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3 Post Office Box 5469
4 Santa Rosa, CA 95402-5469
5 Tel. (707) 528-8175
6 Fax. (707) 528-8675
7 lhm28843@sbcglobal.net

8 Attorneys for Plaintiff
9 NORTHERN CALIFORNIA RIVER WATCH

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 NORTHERN CALIFORNIA RIVER
13 WATCH, a non-profit corporation,

14 Plaintiff,

15 v.

16 BAY AREA DIABLO PETROLEUM
17 COMPANY dba GOLDEN GATE
18 PETROLEUM COMPANY and DOES
19 1-10, Inclusive,

20 Defendants

CASE NO. C08-01613 BZ

**PLAINTIFF'S SEPARATE CASE
MANAGEMENT STATEMENT AND
[PROPOSED] ORDER**

Date: August 25, 2008
Time: 4:00 p.m.
Ctmm: G, 15th Floor
Judge: Hon. Bernard Zimmerman

21 Defendant BAY AREA DIABLO PETROLEUM COMPANY dba GOLDEN GATE
22 PETROLEUM COMPANY has made no appearance in this matter to date. Plaintiff therefore
23 submits this separate further Case Management Statement and Proposed Order.

I. STATUS OF THE PLEADINGS

24 Initial Case Management Conference in this matter was held on July 7, 2008. Defendant
25 failed to appear at that time. Plaintiff's counsel wrote to Defendant on July 8, 2008 advising
26 Defendant of the August 25, 2008 further Case Management Conference date, and requesting that
27 Defendant file a responsive pleading in this action. (Exhibit A). A Clerk's entry of Default
28 against Defendant issued on July 25, 2008 (Court Doc. #12). Plaintiff formally served Defendant
with the entry of Default by mail on July 28, 2008 (Exhibit B). Subsequently Plaintiff received

1 a copy of a communication from Defendant to this Court dated July 30, 2008 (Exhibit C). To date
2 Defendant has made no appearance nor has Defendant obtained counsel.

3 **II. FACTS**

4 The allegations of the Complaint, factual and legal issues in dispute and relief sought by
5 Plaintiff in this matter remain unchanged since the filing of the Initial Case Management
6 Statement (Court Doc. # 9).

7 **III. SCHEDULING**

8 Plaintiff requests this Court schedule a further Case Management Conference no sooner
9 than 120 days, thereby allowing Plaintiff time to explore additional avenues of communication
10 with Defendant so as to bring this case to resolution, preferably by way of mediation. Failing
11 to do so, Plaintiff will reluctantly proceed with its motion for default judgment.

12
13 DATED: August 18, 2008

/s/ Jack Silver
JACK SILVER
Attorney for Plaintiff
NORTHERN CALIFORNIA RIVER WATCH

16 **~~PROPOSED~~ ORDER**

17 GOOD CAUSE APPEARING, it is hereby ORDERED that this matter be continued to
18 Nov. 10, 2008 @ 4:00 p.m. for further Case Management Conference.

19 It is further ordered as follows:

20
21 DATED: August 19, 2008

Bernard Zimmerman
HON. BERNARD ZIMMERMAN
U.S. DISTRICT COURT JUDGE

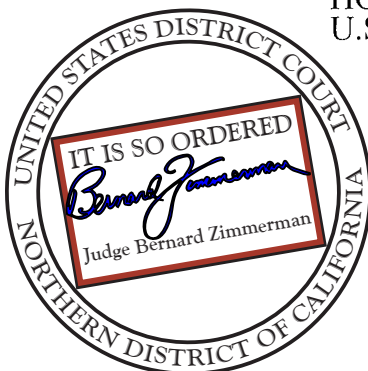


EXHIBIT A

Law Office of Jack Silver

P.O. Box 5469 Santa Rosa, California 95402
Phone 707-528-8175 Fax 707-528-8675
lhm28843@sbcglobal.net



July 8, 2008

Dennis O'Keefe, President
Bay Area Diablo Petroleum Company
501 Shell Avenue
Martinez, California 94553

Re: Northern California River Watch v. Bay Area Diablo Petroleum Company dba Golden Gate Petroleum Company, et al
U.S.D.C. Case No. C08-01613 BZ

Dear Mr. O'Keefe:

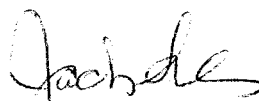
As you know, this matter was scheduled for a Case Management Conference before the U.S. District Court yesterday, July 7th at 4:00 p.m. Judge Zimmerman has scheduled a further Case Management Conference as follows:

Date: August 25, 2008
Time: 4:00 p.m.
Place: U.S. District Court
450 Golden Gate Avenue
Courtroom G, 15th Floor
San Francisco, CA

Summons, Complaint and all other pleadings were served upon Bay Area Diablo Petroleum on June 10, 2008. An Answer and/or responsive pleading to the Complaint was due to be filed with the U.S. District Court no later than July 5, 2008.

Please be advised if an Answer to this lawsuit is not filed with the U.S. District Court by July 21st, I will move forward with a Request for Default and Motion for Default Judgment against Bay Area Diablo Petroleum.

Very truly yours,


Jack Silver

JS:lhm

EXHIBIT B

1 Jack Silver, Esq. SBN #160575
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3 Post Office Box 5469
4 Santa Rosa, CA 95402-5469
5 Tel. (707) 528-8175
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8 Attorneys for Plaintiff
9 NORTHERN CALIFORNIA RIVER WATCH

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18 PETROLEUM COMPANY, and DOES
19 1 - 10, Inclusive,

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CASE NO.: C08-01613 BZ

PROOF OF SERVICE BY MAIL

PROOF OF SERVICE

I am employed in the County of Sonoma, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 100 E Street, Suite 202, Santa Rosa, CA 95404.

On July 28, 2008, I served the following described document(s):

Clerk's Entry of Default dated July 25, 2008

on the following parties by placing a true copy in a sealed envelope, addressed as follows:

Dennis O'Keefe, President
and Registered Agent for Service
Bay Area Diablo Petroleum Company
501 Shell Avenue
Martinez, California 94553

☒ (BY MAIL) I placed each such envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on July 28, 2008 at Santa Rosa, California.


WOJCIECH P. MAKOWSKI

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
415.522.2000

July 25, 2008

**RE: NORTHERN CALIFORNIA RIVER WATCH -v- BAY AREA DIABLO
PETROLEUM COMPANY, Case No. C-08-1613-BZ**

Default is entered as to Defendant Bay Area Diablo Petroleum Company, d/b/a Golden Gate Petroleum Company on 7/25/2008..

RICHARD W. WIEKING, Clerk

by: Thelma Nudo
Deputy Clerk

EXHIBIT C

Corporate Office
501 Shell Avenue
Martinez, CA 94553
Tel 925-228-2222
Fax 925-957-9587

www.ggpipeline.com

July 30th 2008

Attn: Magistrate Judge Bernard Zimmerman
U.S. District Court
450 Golden Gate Avenue
Courtroom G, 15th Floor
San Francisco, CA. 94102

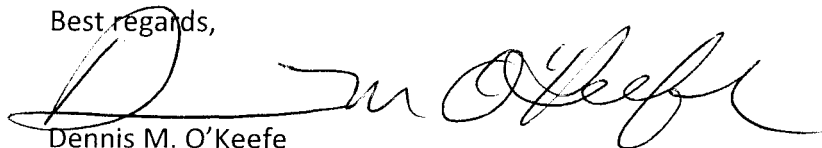
Re: Northern California River Watch v. Bay Area Diablo Petroleum Company dba Golden Gate
Petroleum Company, et al
U.S.D.C. Case No. C08-01613 BZ

Dear Magistrate Judge Bernard Zimmerman:

Please be advised that I settled all legal matters with Mr. Silver in 2007 by paying \$10,000.00 to the Sierra Club. Also, Bay Area/Diablo Petroleum Co. has been sued by the attorney general for the State of California (Case: C07-02593) and I believe that this case has precedent over Mr. Jack "Ambulance Chaser" Silver's actions.

I apologies for any untimely responses, but I now reside in Nevada and did not receive anything in a timely manner.

Best regards,



Dennis M. O'Keefe
Bay Area/Diablo Petroleum Co.

Cc: Mr. Jack Silver
Mr. Dennis Kelly

GOLDEN GATE PETROLEUM

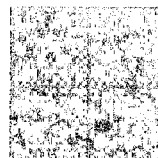
CORPORATE OFFICE
501 SHELL AVENUE
MARTINEZ, CA 94553

RETURN SERVICE REQUESTED

7007 3020 0000 9752 6107



CERTIFIED MAIL™



LAWN OFFICE OF JACK SILVER
ATTN: JACK SILVER
P.O. BOX 5469
SANTA ROSA, CA 95402-5469

SANTA ROSA, CA 95402-5469
1st NOTICE 8-1
2nd NOTICE _____
RETURNED TO SENDER

35402+5469 8043

